UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-289-MOC-DCK

JAMES RAY WILSON, pro se,)	
Plaintiff,)	
VS.)	ORDER
MARTIN WIGGINS,)	
USAA FEDERAL SAVINGS BANK, and JEFF WALLACE,)	
Defendants.)	

THIS MATTER is before the Court on the Parties' Motions to Dismiss. (Doc. Nos. 5, 7). Defendants moved to dismiss this lawsuit for failure to state a claim and lack of jurisdiction. (Doc. No. 5). Plaintiff then moved to dismiss the matter without prejudice. (Doc. No. 7). Defendants have filed notice that they do not oppose Plaintiff's request to dismiss. (Doc. No. 8).

Both parties wish to dismiss this matter. Ordinarily under these circumstances the parties would jointly file a stipulated notion of dismissal or Plaintiff would seek a voluntary dismissal under Rule 41(a). However, considering that Plaintiff is proceeding pro se, the Court will dismiss this matter by ruling on Plaintiff's motion.

Because Defendants do not oppose Plaintiff's motion to dismiss without prejudice, (Doc. No. 7), the Court will grant Plaintiff's motion. Therefore, the Court declines to reach the merits of Defendants' motion to dismiss with prejudice. (Doc. No. 5).

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Dismiss, (Doc. No. 7), is **GRANTED** and this matter is **DISMISSED** without prejudice. Defendant's Motion to Dismiss, (Doc. No. 5), is **DENIED** as **MOOT**.

Signed: August 3, 2022

Max O. Cogburn Jr

United States District Judge

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